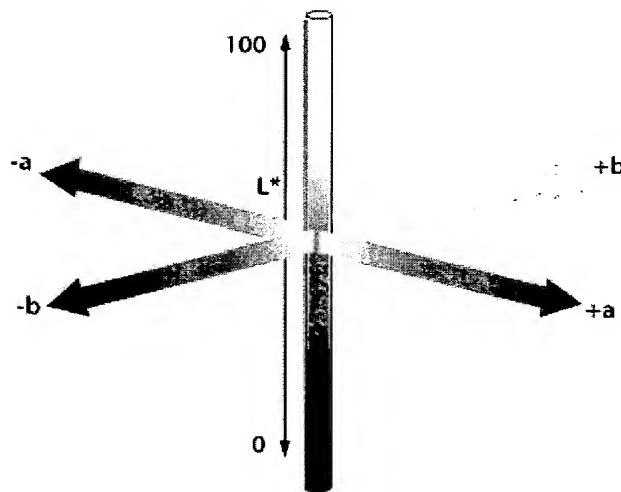


REMARKS

Applicants thank Examiner Bissett for conducting the kind and courteous discussion with Applicants' representative, Daniel R. Evans, on October 20, 2005. The content of the discussion is reflected in the amendments to the claims and the following remarks.

As discussed with the Examiner, the CIELAB color system is a way to describe the color of an object. The Examiner's attention is directed to a copy of an online printout that provides a primer for the CIELAB color system.¹ This printout was obtained online, and the focal point is the following figure.



It is noted that the CIELAB system refers to three parameters: L^* , a^* , and b^* . L^* is a measure of the difference between light ($L^* = 100$) and dark ($L^* = 0$). The parameter used to represent the amount of green and red is a^* , in which green spans from $-a$ to 0, while red extends from 0 to $+a$. Likewise, the parameter used to represent the amount of blue and yellow is b^* , in which blue spans from $-b$ to 0, while yellow spans from 0 to $+b$.

The Examiner's attention is directed to the limitation of Claim 1, which reads "the b value, which is a measure of yellowness, is at most 7." Applicants note that a b value of at most 7 within the positive range of values of b means nearly no yellowness. In this respect,

¹ Website accessible on October 24, 2005: <http://www.specialchem4coatings.com/tc/color/index.aspx?id=cielab>

the Examiner's attention is directed to a copy of DIN 6174, which is cited in the concurrently filed **Information Disclosure Statement**. In particular, the Examiner's attention is directed Figure K2/34 of this sheet that shows a hatched circle from values of -10 to +10, which indicates that this relates to nearly white or nearly uncolored specimens. As a b value of at most 7 within a positive range of values of b means nearly no yellow color, this is equivalent to nearly no absorption in the blue region of the visible spectral range. In view of this background information, it is kindly requested that the Examiner reconsider the outstanding rejections in view of the following remarks.

The rejections of any one of Claims 1-20 under:

- (1) 35 U.S.C. § 102(e) over the disclosure of Hotaka et al. (US 2003/0021917 A1, hereafter US '917), and
- (2) 35 U.S.C. § 103(a) over the combined disclosures of US '917 and Schmid et al. (US 4,232,145 (hereafter US '917)

are respectfully traversed.

US '917 is directed to a sheet-form layered structure with an attractive appearance. The layered structure is composed of at least two layers formed from a thermoplastic resin, one layer is an outer layer formed of a transparent resin, the other layer contains a dye, a pigment, or a light-diffusing agent, which "shows a continuous change in color tone along the sheet surface when visually observed toward an outer surface of the layer" (see US '917, Abstract). It may be true that US '917 discloses that a polyamide resin is one of at least two dozen resins that may be selected from a listing of resins for either a general layer (see page 6, ¶ 162) or the transparent layer (see page 6, ¶ 164). It is noted that US '917 not only does not disclose or suggest the claimed molding composition, none of the examples in US '917 are directed to polyamide materials. Therefore, it is believed that US '917 represents a very broad disclosure, in which it is difficult to readily envisage the claimed composition. This

position may be further bolstered by considering that the only nexus that exists between the vaguely broad disclosure of US '917 and the claimed invention is the aspect of an optical brightener that is claimed in Claim 11.

The Office has taken the position that the molding compositions disclosed in US '917 containing a coumarin fluorescent dye, and that coumarin fluorescent dye would inherently possess the same b values and transmittance properties as claimed. Applicants believe that this position is improper.

The compositions disclosed in US '917 are colored. Only a color of pure red or green, with almost no yellow portion, would be associated with a b value of at most 7. Such a composition would not have any appreciable absorption in the blue range of the visible spectrum. It would, however, have marked absorption in the green range.

Applicants cite concurrently herewith material pertaining to optical brighteners (Ullmann's Encyclopedia of Industrial Chemistry, 5th edition, vol. A18, pp. 153-176) in an **Information Disclosure Statement** for the Examiner's consideration. As can be seen from the discussion pertaining to Optical Brighteners in Ullmann's, there are a wide range of optical brighteners some of which may be coumarins (see pp. 164-166).

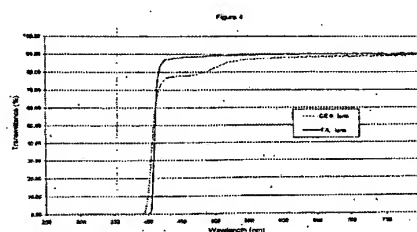
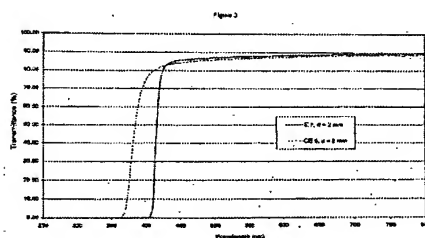
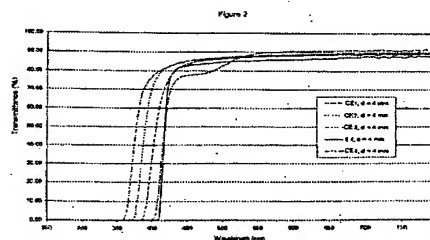
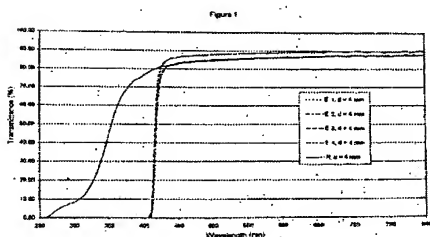
Applicants note that the coumarin fluorescent dyes disclosed in US '917 are not of the same type as an optical brightener of the coumarin type as in claim 11. For example, US '917 refer to MACROLEX Fluorescent Yellow 10GN and MACROLEX Fluorescent Red G (see US '917, ¶ 214). Applicants also cite two data sheets for (MACROLEX Fluorescent Yellow 10GN and MACROLEX Fluorescent Red G) in the concurrently filed **Information Disclosure Statement**.

The cited data sheets show the following:

- MACROFLEX Fluorescent Yellow 10GN provides a fluorescent yellow color with a green case. This means that the b value is much greater than 7. The

transmission curve shows fair transmission in the UV range (below 400 nm), only little or no transmission in the blue range (*ca.* 440 nm) and a transmission maximum in the green range (*ca.* 500 nm) due to fluorescence. The transmission curve is completely different from that of Applicants examples (*cf.* transmission curve with Applicants' Figs. 1-4 reproduced below);

- MACROFLEX Fluorescent Red G provides a fluorescent red color with a yellow cast. Here, too, the *b* value is much greater than 7. The transmission curve shows rather good transmission in the UV range (just the opposite of that which characterizes our invention), diminished transmission in the blue range (resulting in yellow cast), little or no transmission in the green range (500-520 nm) resulting in red color and a transmission maximum in the yellow range (*ca.* 600 nm) due to fluorescence. Here, too, the transmission curve is completely different from that of Applicants examples (*cf.* transmission curve with Applicants' Figs. 1-4 reproduced below.).



With respect to the disclosure of US '917, which refers to the addition of bluing agents and "additional" fluorescent brighteners (see ¶¶s 202-203), Applicants illuminate the following differences from the claimed optical brighteners.

A bluing agent is blue or violet dye as can be seen from the examples identified in (US '917, ¶ 202). Such a dye absorbs in the yellow range of the spectrum. However, Applicants' claimed composition is characterized by a nearly complete absorption in the UV region.

In regard to "additional" fluorescent brightener, US '917 does not specify an amount that would be able to reduce the b value from much above 7 to at most 7 or, i.e., to compensate for the yellow color or cast of the dye. Besides, in US '917 discloses that the fluorescent brightener is only one of very many possible additives (see ¶ 203), figuring out which one to add and at the desired amount would be purely speculative.

In view of the broad disclosure of US '917, Applicants believe that there can be no issue of anticipation, or for that matter, even obviousness. It is kindly requested that the examiner acknowledge the same and withdraw these rejections.

Applicants position with respect to US '917 is equally applicable to the combined disclosures of US '917 and US '145.

As noted above, US '917 broadly discloses a polyamide composition that contains dyes, pigments, and the likes that may or may not contain coumarins, bluing agents, and "additional" fluorescent brighteners. Applicants believe that the claimed molding composition cannot be readily envisaged based on the disclosure of US '917 alone, and that the same can be said for the combination of US '917 and US '145. It may be true that US '145 discloses injection moldable glass clear transparent polyamides (see Title and Abstract). It may also be true that US '145 discloses suitable additives may be added to the polyamide composition, such as "light and heat stabilizers, e.g., aromatic amines such as diphenylamine,

phosphoric compounds such as phosphoric acid, and/or soluble metal compounds, e.g., of copper or manganese; colorants; optical brighteners..." (see US '145 at col. 4, lines 6-15). However, US '145 provides little guidance as to the amount of optical brightener or to the purpose in which it is added. That is, Applicants believe that US '145 does not provide any more guidance than what is suggested in US '917, such that the claimed composition cannot be readily envisaged in view of the combination of US '917 and US '145.

It is respectfully requested that the Examiner acknowledge the same and withdraw this rejection.

In view of the amendments to the Claims and the comments contained herewith, it is believed that the present application is now in a condition for allowance. Should the Examiner deem that a personal or telephonic interview would be helpful in advancing this application toward allowance, she is encouraged to contact Applicants' undersigned representative at the below-listed telephone number.

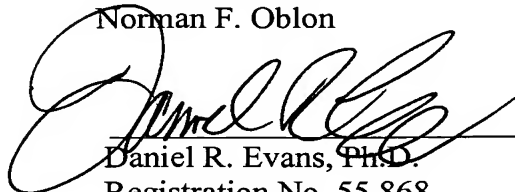
Customer Number
22850

Tel: (703) 413-3000
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(OSMMN 06/04)

Respectfully submitted,

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MAIER & NEUSTADT, P.C.

Norman F. Oblon



Daniel R. Evans, Ph.D.
Registration No. 55,868